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HOUSE BILL 2431 By
Brown

SENATE BILL 2518
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 29, Chapter 20, relative to tort liability.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-20-205, is amended by deleting the section in its entirety and by substituting instead the following:

Immunity from suit of all governmental entities is removed for injury proximately caused by a negligent act or omission of any employee within the scope of his employment except if the injury arises out of:

(1) the exercise or performance or the failure to exercise or perform a discretionary function, whether or not the discretion is abused;

(2) false imprisonment pursuant to a mittimus from a court, false arrest, malicious prosecution, intentional trespass, abuse of process, libel, slander, deceit, interference with contract rights, infliction of mental anguish, invasion of right of privacy, or civil rights;

(3) the issuance, denial, suspension or revocation of, or by the failure or refusal to issue, deny, suspend or revoke, any permit, license, certificate, approval, order or similar authorization;

(4) a failure to make an inspection, or by reason of making an inadequate or negligent inspection of any property;

(5) the institution or prosecution of any judicial or administrative proceeding, even if malicious or without probable cause;

(6) misrepresentation by an employee whether or not such is negligent or intentional;

(7) or results from riots, unlawful assemblies, public demonstrations, mob violence and civil disturbances;

(8) or in connection with the assessment, levy or collection of taxes; or

(9) or in connection with any failure occurring before January 1, 2007, which is caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if, and only if, the failure or malfunction causing the loss was unforeseeable or if the failure or malfunction causing the loss was foreseeable but a reasonable plan or design or both for identifying and preventing the failure or malfunction was adopted and reasonably implemented complying with generally accepted computer and information system design standards. Notwithstanding any other provision of the law, nothing in this subdivision shall in any way limit the liability of a third party, direct or indirect, who is negligent. Further, a person who is injured by the negligence of a third party contractor, direct or indirect, shall have a cause of action against the contractor.

SECTION 2. This act shall take effect July 1, 2002, the public welfare requiring it.

